

REMARKS

In response to the Office Action mailed July 15, 2003, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the amendments and remarks contained herein place the instant application in condition for allowance.

Claims 28-39

In the Office Action, claims 28-32, 35 and 37-39 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,850,435 to Devillier ("Devillier"). In addition, claims 33, 34 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Devillier in view of U.S. Patent 5,566,235 to Hetz ("Hetz").

Applicants have herein amended independent claim 28 to clarify that the steps of placing an outgoing communication to the telecommunications user and automatically recognizing a predetermined keyword spoken by the telecommunications user involves using an intelligent resource server.

Applicants submit that amended claim 28 is not anticipated nor obvious in view of Devillier because Devillier fails to disclose, teach or suggest each and every element of amended claim 28. *See MPEP § 2131* (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference); *see also MPEP § 2142* (stating that one of the elements of a *prima facie* case of obviousness is that "the prior art reference (or references when combined) must teach or suggest all the claim limitations").

Devillier is directed to a method that audibly announces an identified caller by querying a database consisting of phone numbers and corresponding line owners. *See Devillier, col. 1, ll. 59-65*. Applicants submit that although Devillier, at column 6, lines 3-37 thereof, may disclose a

method consisting of a service control point instructing an intelligent peripheral to execute certain call-processing tasks, nowhere does Devillier disclose, teach or suggest, among other things, a method comprising “placing an outgoing communication to the telecommunications user using an intelligent resource server, wherein the intelligent resource server in response to detection of the incoming call transmits the outgoing communication identifying the calling party; and automatically recognizing a predetermined keyword spoken by the telecommunications user using an intelligent resource server, wherein the predetermined keyword spoken by the telecommunications user is in response to the outgoing communication,” as claimed in claim 28.

In short, using a service control point to instruct an intelligent peripheral to execute call-processing tasks is not identical nor obvious in view of using an intelligent resource server that: (1) transmits an outgoing communication identifying a calling party and (2) recognizes a predetermined keyword spoken by a telecommunications user. Therefore, Applicants submit that claim 28 is not anticipated by the Devillier reference because the reference does not disclose all the elements of claim 28. In addition, the secondary reference of Hetz also does not teach or suggest, among other things, the above-features of amended claim 28. Therefore, Applicants submit that claim 28, as well as claims 29-34, depending therefrom, are neither anticipated nor obvious in view of the cited references in the Office Action. *See MPEP § 2143.03* (stating that if an independent claim is not obvious under 35 U.S.C. §103(a), then any claim depending therefrom is not obvious over the cited references.)

Independent claim 35, as amended, contains language similar to claim 28. Therefore, for reasons analogous to those set forth previously with respect to claim 28, Applicants submit that independent claim 35, as well as its respective dependent claims, are neither anticipated nor

obvious in view of the cited references. Accordingly, Applicants respectfully request that the § 102 and § 103 rejections associated with claims 28-39 be withdrawn.

Claims 1-27

In the Office Action, claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hetz in view of U.S. Patent 6,580,790 to Henry ("Henry"). Applicants traverse the rejections as follows.

Claim 1 is directed to a network for providing a telecommunications service with automatic speech recognition to a telecommunications user, and includes as one of its elements "an intelligent resource server in communication with the switch for receiving the incoming communication from the switch, for placing an outgoing communication to the telecommunications device via the switch, *the outgoing communication including an audible message identifying the calling party*, and for *automatically recognizing a predetermined keyword spoken by the telecommunications user in response to the outgoing communication.*" (*emphasis added*).

In the Office Action, the Office rejected claim 1 as being obvious over Hetz in view of Henry. Hetz is directed to a network that enables service providers to utilize trigger points in call processing to initiate query and response procedures with their own databases on an equal access basis. *See Hetz, col. 1, ll. 6-10.* However, as stated in the Office Action on page 6, Hetz fails to disclose an outgoing communication including an audible message identifying the calling party, as recited in claim 1.

Henry is directed to a system and method for assisting callers with obtaining another party's telephone number when the caller only knows the other party's online identifying information. *See Henry, col. 1, ll. 52-55.* However, Applicants submit that, just like the Hetz

reference, nowhere does the Henry reference disclose, among other things, an audible message that identifies the *calling* party to the *called* party, as recited in claim 1.

The Office Action identifies col. 3, lines 30-63 of Henry as disclosing this feature of claim 1. A portion of the cited passage reads as follows:

The communications server 40 will prompt the calling party to provide the desired called party's online identifying information, such as all or a portion of the called party's electronic mail address, screen name or login name. The speech recognition component 72 analyzes the speech signals from the calling party and passes the called party's identifying information, such as electronic mail address to the search component facility.

As is plainly evident, this passage does not teach or suggest an intelligent resource server for playing a message for the *called* party that identifies the *calling* party. Rather, the cited passage from Henry concerns prompting the calling party to provide the called party's online identifying information via a speech recognition component. Thus, the cited passage does not disclose this feature of claim 1. By necessary implication, therefore, Henry also fails to disclose recognizing a predetermined keyword spoken by the *called* party in response to the identification of the *calling* party. Simply put, if Henry does not disclose the playing of a message identifying the *calling* party for the *called* party, the reference cannot disclose detecting a response by the *called* party.

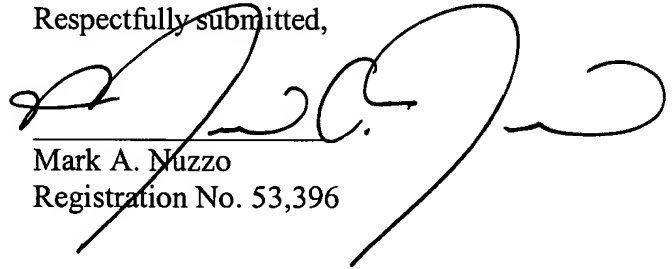
Therefore, Applicants submit that claim 1 is not obvious over Hetz in view of the Henry because neither reference discloses all the elements of claim 1. Therefore, Applicants submit that claim 1, as well as claims 2-9, depending therefrom, are nonobvious in view of the references cited in the Office Action. *See §§ 2142, 2143.03 supra.*

Independent claims 10 and 22 contain language similar to claim 1. Therefore, for reasons analogous to those set forth previously with respect to claim 1, Applicants submit that independent claims 10 and 22, as well as their respective dependent claims, are not obvious in view of the cited references. Accordingly, Applicants respectfully request that the § 103 rejections associated with claims 1-27 be withdrawn.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Mark A. Nuzzo, is written over the printed name and registration number.

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